S.B. CIVIL WRIT PETITION NO.2284/2002

Karnail Singh & Ors. Vs. Board of Revenue & anr.

Date : 15.2.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. H.S. Sandhu, for the petitioner.
Mr. B.L. Tiwari, Dy. GA, for the respondents.

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Heard learned counsel for the parties.

The petitioner is aggrieved by the order dated 25.1.2001 by which the petitioner's appeal against the order dated 27.3.1995 was dismissed.

It is worthwhile to mention here that the appeal was earlier decided by the Board of Revenue vide order dated 15.10.1997 but the State as well as the petitioner preferred review petitions challenging the order dated 15.10.1995. The order of Board of Revenue dated 15.10.1997 was set aside and the appeal was again heard and decided vide order dated 25.1.2001.

According to learned counsel for the petitioner, the Board of Revenue committed serious error of fact in holding that the land measuring 12 bighas 10 biswas which was purchased by sale deed dated 3.10.1946 is different land than the land of Khasra No.13 in which the petitioner had

half share only.

This was precisely the point before the Board of Revenue and the Board of Revenue, after going through the record, held that both the lands are separate – one purchased by the sale deed dated 3.10.1946 and another of Khasra No.13 in which the petitioner had half share only measuring 12 bighas 10 biswas and calculated the excess land in the hands of the petitioner after taking into account 6.05 bighas of land out of khasra no.13.

Learned counsel for the petitioner submits that this finding is wrong.

The petitioner tried to raise factual dispute before the Board of Revenue twice and thereafter, he also submitted review petition. The Board of Revenue considered the facts on the basis of record and rejected the petitioner's contention. This Court is not inclined to re-examine the evidence which has already been considered by the Board of Revenue, while exercising writ jurisdiction.

In view of the above, this writ petition having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya